

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

LARRY MCLEARN and DEANNA  
MCLEARN,

Plaintiffs,

v.

WYNDHAM RESORT DEVELOPMENT  
CORP., WYNDHAM WORLDWIDE  
OPERATIONS, INC., WYNDHAM  
VACATION RESORTS, INC.,  
WYNDHAM VACATION OWNERSHIP,  
INC., and JOHN DOES 1-100,

Defendants.

NO. 3:19-cv-00004  
JUDGE RICHARDSON

**ORDER**

Pending before the Court is Defendants' Motion to Dismiss for Failure to State a Claim and for Attorneys' Fees (Doc. No. 8.) For the reasons stated in the accompanying Memorandum Opinion, Defendants' Motion to Dismiss (Doc. No. 8) is **GRANTED**.

Plaintiff's claims for fraud, fraudulent inducement, fraudulent misrepresentation, misrepresentation by concealment, violation of the Tennessee Timeshare Act, violation of the Tennessee Consumer Protection Act, negligent misrepresentation, and unjust enrichment are **DISMISSED** without prejudice to Plaintiffs' ability to seek leave to file an amended Complaint that cures the deficiencies identified herein. Plaintiffs' claims for injunctive relief, unconscionability, and "contract of indefinite duration" are **DISMISSED** with prejudice.

Defendants' Motion for Attorneys' Fees (Doc. No. 8) is **DENIED**.

IT IS SO ORDERED.

  
ELI RICHARDSON  
UNITED STATES DISTRICT JUDGE